

ANNUAL TOWN MEETING WARRANT

Town of Sheffield Commonwealth of Massachusetts

Berkshire, ss

To the Constables of the Town of Sheffield in said County of Berkshire, *Greeting:*

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Sheffield, qualified to vote in Town affairs, to meet in the auditorium of the Mount Everett Regional High School, 491 Berkshire School Road in Sheffield on Monday, May 6, 2019 at 7:00 P.M. for the following purposes:

ARTICLE 1: To see if the Town will vote to raise and appropriate and/or transfer from available funds, such sums of money as listed below, and as may be amended, necessary to defray the expenses of the Town for Fiscal Year 2020, or take any other action relative thereto.

Moderator.....	\$ 200	Energy.....	\$125,500
Selectmen's Office.....	\$184,884	Board of Health.....	\$ 43,005
Board of Assessors.....	\$ 94,647	Visiting Nurse Association.....	\$ 4,000
Treasurer/Collector.....	\$123,800	Council on Aging.....	\$104,050
Town Clerk.....	\$ 65,623	Veterans Benefits.....	\$ 45,000
Elections & Registration.....	\$ 14,070	Library.....	\$180,600
Conservation Commission.....	\$ 2,480	Historical Commission.....	\$ 750
Planning Board.....	\$ 3,450	Memorial Day.....	\$ 1,200
Commission on Disabilities.....	\$ 300	American Legion.....	\$ 500
Zoning Board of Appeals.....	\$ 1,230	Care of Soldier's Graves.....	\$ 1,400
Town Buildings & Grounds.....	\$128,800	Ashley Falls Historic Dist. Comm.	\$ 50
Town Report & Communications	\$ 6,000	Agricultural Commission.....	\$ 1,000
Legal Services.....	\$ 25,000	Interest on Loans.....	\$ 1
Dispatch Services.....	\$ 10,592	Berkshire County Retirement.....	\$245,423
Police Department.....	\$480,928	Worker's Compensation.....	\$ 18,500
Fire Department.....	\$ 48,200	Insurance & Bonding.....	\$ 71,000
Inspectional Services.....	\$ 45,812	Group Health (32B) Insurance.....	\$446,000
Fire Hydrants.....	\$ 25,000	Employer Medicare.....	\$ 26,000
Animal Control.....	\$ 12,000	Financial Audit.....	\$ 15,000
Highway Department.....	\$383,077		
Snow Removal.....	\$224,120		

ARTICLE 2: To see if the Town will vote to fix the compensation of the following elected officers of the Town for Fiscal Year 2020, as required by Chapter 41, Section 108 and Chapter 71, Section 52 of the General Laws; Moderator, \$200, Selectmen, Chairman \$2,666; Selectmen, two members at \$2,308 each, Southern Berkshire Regional School District School Committee, 4 members at \$500 each, or take any other action relative thereto.

ARTICLE 3: To see if the Town will vote to amend the Regional Agreement Establishing the Southern Berkshire Regional School District as restated effective as of July 1, 2011 as shown on the attached proposed Amendment to Regional Agreement, by deleting the introductory Paragraph and subparagraphs a. through h., inclusive, of Section 4 APPORTIONMENT OF COSTS, and replacing that introductory paragraph and those deleted subparagraphs with a new introductory paragraph and new subparagraphs a. through h. of Section 4 APPORTIONMENT OF COSTS, or take any other action relative thereto.

ARTICLE 4: To see if the Town will vote to approve the Southern Berkshire Regional School District Operating and Transportation Budget for Fiscal Year 2020 and vote to raise and appropriate \$6,878,750 to pay the Town's assessed share of that budget, or take any other action relative thereto.

ARTICLE 5: To see if the Town will vote to approve the Southern Berkshire Regional School District Roof and Boiler Debt for Fiscal Year 2020, and vote to raise and appropriate \$195,258 to pay the Town's assessed share of that budget, or take any other action relative thereto.

ARTICLE 6: To see if the Town will vote to approve the Southern Berkshire Regional School District Capital Budget for Fiscal Year 2020, and vote to raise and appropriate \$186,175 to pay the Town's assessed share of that budget, or take any other action relative thereto.

ARTICLE 7: To see if the Town will vote to raise and appropriate or transfer from available funds \$13,600 to pay for vocational education tuition in Fiscal Year 2020, or take any other action relative thereto.

ARTICLE 8: To see if the Town will vote to raise and appropriate and/or transfer from available funds \$126,600 for the disposal and management of solid waste, and to authorize the Board of Selectmen to take any action to effectuate the purpose of the article, including but not limited to entering into agreements in excess of three years for such solid waste disposal and management, or take any other action relative thereto.

ARTICLE 9: To see if the Town will vote to accept funds being provided by the Commonwealth of Massachusetts under the provisions of Chapter 90 of the General Laws, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of Town ways and bridges, or take any other action relative thereto.

ARTICLE 10: To see if the Town will vote to authorize the appointment of members of the Board of Selectmen to any office or position under its supervision at no additional compensation in accordance with the provisions of Chapter 268A, Section 21A of the General Laws, or take any other action relative thereto.

ARTICLE 11: To see if the Town will vote to authorize the Board of Health to employ any of its members as Title 5 and Perc Test Witnesses for Septic System Inspections, and Sanitation Inspections under its supervision in accordance with G.L. c. 268A, Section 21A for Fiscal Year 2020 and to set the salary for those positions at \$40 per Title V Inspections and \$30 per hour for Perc Tests in accordance with the provisions of G.L.c.41, Section 4A, or take any other action relative thereto.

ARTICLE 12: To see if the Town will vote to authorize the Treasurer/Collector to sell, with the approval of the Board of Selectmen, any parcel or parcels of real estate which have been or may be acquired through the foreclosure of tax title, or take any other action relative thereto.

ARTICLE 13: To see if the Town will vote to raise and appropriate, or transfer from available funds, \$77,000 to provide for extraordinary or unforeseen expenditures under the provisions of Chapter 40, Section 6 of the General Laws, known as the Reserve Fund, or take any other action relative thereto.

ARTICLE 14: To see if the Town will vote to raise and appropriate or transfer from available funds \$750 to the Emergency Response Fund, or take any other action relative thereto.

ARTICLE 15: To see if the Town will vote to raise and appropriate or transfer from available funds \$3,000 to compensate firefighters for training, or take any other action relative thereto.

ARTICLE 16: To see if the Town will vote to raise and appropriate or transfer from available funds \$49,800 to purchase and equip a Police Cruiser, or take any other action relative thereto.

ARTICLE 17: To see if the Town will vote to raise and appropriate or transfer from available funds \$25,000 to purchase information technology hardware, software, and services, including any incidental or related costs, and to authorize the Board of Selectmen to take any action to effectuate the purpose of the article, including but not limited to entering into agreements in

excess of three years for such information technology services, or take any other action relative thereto.

ARTICLE 18: To see if the Town will vote to raise and appropriate or transfer from available funds \$50,000 for Town building repairs, improvements, equipping and furnishings to include but not be limited to the Town Hall, Library, and Police Station, including any design and other costs and expenses incidental thereto, or take any other action relative thereto.

ARTICLE 19: To see if the Town will vote pursuant to the provisions of G.L. c.44, §53E½, as most recently amended, to establish Fiscal Year 2020 spending limits for the revolving funds as set forth below:

Authorized Revolving Funds	Fiscal Year Expenditure Limit
Plumbing Inspector	\$25,000
Gas Inspector	\$20,000
Electrical Inspector	\$20,000
Fire Safety Inspector	\$20,000
Board of Health	\$25,000
Senior Transportation	\$15,000
Senior Center Programming	\$10,000
Tax Title Fees	\$10,000

Or take any other action relative thereto.

ARTICLE 20: To see if the Town will vote to abolish the Fire Truck Stabilization Fund and establish a Vehicle Stabilization Fund and to transfer any balance in the Fire Truck Stabilization Fund to the Vehicle Stabilization Fund, or take any other action relative thereto.

ARTICLE 21: To see if the Town will vote to raise and appropriate or transfer from available funds \$100,000 to the Vehicle Stabilization Fund, or take any other action relative thereto.

ARTICLE 22: To see if the Town will vote to raise and appropriate or transfer from available funds \$5,000 for Unemployment Insurance and to transfer said amount into the Unemployment Trust Fund, or take any other action relative thereto:

ARTICLE 23: To see if the Town will vote to amend the Zoning By-Laws Table of Use Regulations and insert a new Zoning Bylaw section to locate and regulate adult use marijuana establishments as contained in the attachment to the warrant and as on file in the Office of the Town Clerk, or take any other action relative thereto:

ARTICLE 24: To see if the Town will vote to accept Chapter 64G, Section 3A of the General Laws which will authorize the Town to impose a local excise tax upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel located within the Town by any operator at a rate of six per cent (6%) of the total amount of rent for each such occupancy, or take any other action relative thereto:

ARTICLE 25: To see if the Town will vote to accept Chapter 64L, Section 2(a) of the General Laws to impose a local meals excise tax at a rate of .75 per cent (0.75%) on the sale of restaurant meals originating within the Town to take effect July 1, 2019, or take any other action relative thereto:

ARTICLE 26: To see if the Town will vote to accept Chapter 64N, Section 3 of the General Laws to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at the rate of three percent (3%) of the total sales price received by the marijuana retailer as consideration for the sale of marijuana or marijuana products, and further that said tax shall take effect on the first day of the calendar quarter commencing at least thirty days after such vote at Town Meeting, or any other date determined by the Commissioner of Revenue, or take any other action relative thereto:

You are also directed to notify and warn the inhabitants of the Town of Sheffield, qualified to vote in Town elections, to meet in the Senior Center on 25 Cook Road in Sheffield on Monday, May 13, 2019 at 7:00 AM then and there to bring in their votes for the election of the following Town officers:

One Moderator for one year
One Library Trustee for three years
One Selectman for three years

One Planning Board Member for two years
Two Planning Board Members for three years

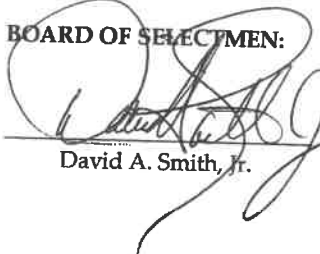
All of said officers to be voted for on the official ballots furnished at the polls. The polls will be opened at 7:00 AM and closed at 7:00 PM.

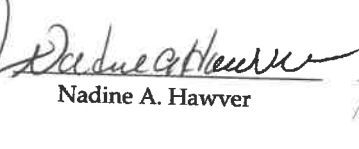
You are directed to serve this Warrant by posting an attested copy in seven public places in the Town, not less than seven days before the date of said meeting.

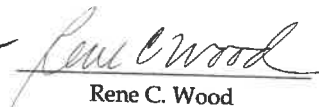
Hereof Fail not, and make return of this Warrant to the Town Clerk, with your doings thereon, at or before the time of said meeting.

Given under our hands and the Seal of the Town of Sheffield this 22nd day of April in the year of our Lord Two Thousand and Nineteen.

BOARD OF SELECTMEN:


David A. Smith, Jr.


Nadine A. Hawver


Rene C. Wood

In obedience to the within Warrant, I have notified and warned the inhabitants of the Town of Sheffield qualified to vote in Town or State Elections and Primaries by posting seven attested copies of said warrant in seven public places at least seven days prior to said election.

ATTEST:


TOWN CLERK


CONSTABLE


DATE

Article 23: To see if the Town will vote to amend the Zoning By-Laws as follows, or take any other action relative thereto:

1. Add the following to 3.1.3, Table of Use Regulations, as 3.1.3.H. Adult Use Marijuana Establishment.

Principal Use	District				Notes
	R	VC	C	GB	
H. Adult Use Marijuana Establishment					
1. Marijuana Cultivator, indoors	PB	PB	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
2. Marijuana Cultivator, outdoors	PB	N	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
3. Craft Marijuana Cooperative	N	N	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.2, 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
4. Marijuana Product Manufacturer	PB	N	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.2, 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
5. Marijuana Retailer	N	PB	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
6. Marijuana Research Facility	N	N	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.2, 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
7. Marijuana Independent Testing Laboratory	N	N	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.2, 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
8. Marijuana Transporter	N	N	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
9. Marijuana Microbusiness	N	PB	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.2, 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
10. Any Other Type of Licensed Marijuana-Related Business	PB	PB	PB	PB	Refer to Section 7.5.3 for definition. Refer to Sections 7.5, 8.2, 8.3, 9.4 and 9.5 for Special Permit requirements.
11. Non-Residential On-Premises Consumption, i.e. Marijuana Cafes	N	N	N	N	No use listed in Section 3.1.3.H allows for on-site consumption.

2. Add the following new Section 7.5, Adult Use Marijuana Establishments

7.5 Adult Use Marijuana Establishments

7.5.1 Purpose: On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, manufacture, processing, distribution, sale, possession, testing and adult use of marijuana, as regulated by the Cannabis Control Commission and implemented by their issued regulations. The specific purposes of this Section are to permit compliance with state law in a manner consistent with the Town's community, local siting, health, safety, general well-being, and land use concerns, and to ensure that Adult Use Marijuana Establishments permitted by the Town comply with the provisions of Chapter 334 of the Acts of 2016, as amended by Chapter 55 of the Acts of 2017 and 935 CMR 500.000, as amended. This bylaw applies to the legal cultivation, product manufacturing and retail sale of marijuana for non-medical adult marijuana use in a manner that complies with state regulations. For medical adult use marijuana, also known as a Registered Marijuana Dispensary (RMD), please see Section 8.4 of the Zoning By-laws.

7.5.2. Applicability: Nothing in this Section shall be construed to supersede federal and state laws governing the sale and distribution of marijuana. This bylaw does not apply to the cultivation of industrial hemp as regulated by the Massachusetts Department of Agricultural Resources pursuant to M.G.L. c.128, § 116-123. See Table of Use Regulation, Section 3.1.3.B.6, for Industrial Hemp.

7.5.3 Definitions: As used in this Section, the following terms shall have the meanings as defined in 935 CMR 500, and as amended. For any adult use marijuana term not herein defined, the definition found in 935 CMR 500 shall be used.

Adult Use Marijuana Establishment also referred to as a Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of Licensed Marijuana Related Business, except a medical marijuana treatment center. Marijuana Establishments permitted in accordance with these regulations, included Marijuana Cultivators, are not entitled to that protection from zoning bylaws provided to commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture pursuant to G.L. c.40A, §3.

Cannabis or Marijuana Cultivation: The use of land and /or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of cannabis by a Marijuana Cultivator, Marijuana Microbusiness, Marijuana Research Facility, Craft Marijuana Cooperative, Registered Marijuana Dispensary or other entity licensed by the Cannabis Control Commission.

Cannabis or Marijuana or Marihuana: All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M. G. L. c. 94G § 1; provided that cannabis shall not include:

- (a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or

preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
(b) hemp; or
(c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

Cannabis or Marijuana Products: Cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Cease to Operate: Marijuana Establishment closes and does not transact business for a period greater than 60 days with no substantial action taken to reopen. The Commission may determine that an establishment has ceased to operate based on its actual or apparent termination of operations.

Commission means the Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee. The Commission has authority to implement the state marijuana laws, which include, but are not limited to, the Acts of 2016, c. 334 as amended by the Acts of 2017, c. 55, M.G.L. c. 94G, and 935 CMR 500.000.

Craft Marijuana Cooperative: A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

Host Community: A municipality in which a Marijuana Establishment is located or in which an applicant has proposed locating an establishment.

Host Community Agreement: An agreement, pursuant to M.G.L. c. 94G, § 3(d), between a Marijuana Establishment and a municipality setting forth conditions for the operation of a Marijuana Establishment.

Licensee: A person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000.

Manufacture: To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.

Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

Marijuana Independent Testing Laboratory: A laboratory that is licensed by the Commission and is:

- (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- (b) independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and
- (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

Marijuana Microbusiness: A co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

Marijuana Process or Processing: To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except that it shall not include manufacture as defined in 935 CMR 500.002.

Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

Marijuana Research Facility: An entity licensed to engage in research projects by the Commission.

Marijuana Retailer: An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

Marijuana Transporter: An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter.

Propagation: The reproduction of cannabis or marijuana plants by seeds, cutting or grafting.

Provisional Marijuana Establishment License: A certificate issued by the Commission confirming that a Marijuana Establishment has completed the application process.

SPGA: The Special Permit Granting Authority is the Sheffield Planning Board for Section 7.

7.5.4 Additional Requirements / Conditions for an Adult Use Marijuana Establishment: In addition to the standard requirements for uses requiring a Special Permit or Site Plan Approval, the following shall also apply to all Adult Use Marijuana Establishments, hereafter referred to as Marijuana Establishment(s):

7.5.4.1. Use:

1. A Marijuana Establishment shall be allowed by Special Permit from the SPGA, as listed in Section 3.1.3.H, Table of Use Regulations, Adult Use Marijuana Establishments, provided it meets all the requirements of Sections 7.2, 7.5, 8.2, 8.3, 9.4 and 9.5 of these Zoning By-Laws.
2. Any type of Marijuana Establishment shall only be involved in the uses permitted by its definition and shall not include other businesses or services.
3. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises of any Marijuana Establishment.
4. Hours of operation shall be established by the SPGA. In no event shall any Marijuana Establishment be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m., except for deliveries to the premises, which shall occur between 7 a.m. and 9 p.m.
5. No Marijuana Establishment shall apply for a building permit prior to its receipt of all required permits and approvals including, but not limited, to its Provisional Marijuana Establishment License from the Cannabis Control Commission.
6. The number of Marijuana Retailers permitted to be located within the Town of Sheffield shall not exceed three (3).
7. Marijuana Establishments shall be allowed only as set forth in Section 3.1.3.H of the Table of Use Regulation, and not pursuant to any other use classification.

7.5.4.2. Physical:

1. All aspects of the Marijuana Establishment, except for the transportation of product or materials, relative to the acquisition, indoor cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business, except as allowed under a Special Permit granted for outdoor marijuana cultivation. They shall not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type of potentially movable enclosure.
2. No Marijuana Retailer shall have a gross floor area open to the public in excess of 2,500 square feet.
3. The size of a Marijuana Establishment shall be established by the SPGA, but cannot exceed the allowable limits for the given district.
4. All Marijuana Establishments shall be ventilated in such a manner so that:
 1. No Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and

2. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining use or property, except as allowed under a Special Permit granted to a Marijuana Cultivator, outdoors.
5. Signage shall be displayed on the exterior of the Marijuana Establishment's entrance in plain sight of the public stating that "Access to this facility is limited to individuals 21 years or older" in text two inches in height. All other signage must comply with all other applicable signage regulations in the Zoning By-Laws and 935 CMR 500.
6. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located and shall comply with the requirements of 935 CMR 500. The SPGA shall require or allow the use of vegetative and/or artificial screening to eliminate the view from the public way. In making its determination, the SPGA shall consider the surrounding landscape and viewshed, and shall require a vegetative screen in addition to or in place of artificial screening if an artificial screen would be out of character with the neighborhood.

7.5.4.3. Location:

1. No Marijuana Establishment shall be located on a lot which is within five hundred (500) feet of a lot occupied by a pre-existing public or private school providing education in kindergarten or any of grades 1-12. The distance is to be measured as a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located. Pre-existing is defined as in operation at the time of the application to the Cannabis Control Commission.
2. No Marijuana Retailer shall be located on a lot which is within seven hundred and fifty (750) feet of a lot occupied by another Marijuana Retailer. The distance is to be measured as a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Retailer is or will be located.
3. No Marijuana Establishment is permitted to utilize a drive-through window or provide drive-through services.
4. For Marijuana Cultivation, Outdoors, the following dimensional regulations shall apply:
 1. Minimum Lot Area: 5 acres;
 2. Minimum Front Setback: 100 feet;
 3. Minimum Rear and Side Setback: to be assigned by the SPGA depending on site dimensions and adjacent uses. In no cases shall such setbacks be less than what is required for the underlying zoning district in Section 4.2.1;
 4. Unless specified above, see Table of Dimensional Regulation, Section 4.2.1 for applicable dimensional requirements

7.5.4.4. Reporting:

1. Prior to the commencement of the operation or services provided by any Marijuana Establishment, it shall provide in writing to the Chief of Police and the Town Administrator the names, phone numbers and email addresses of all management staff, key-holders, and a minimum of two (2) contact persons to whom complaints or inquiries associated with the Marijuana Establishment shall be directed. All such contact information shall be updated as needed to keep it current and accurate. The Town

Administrator shall provide this information to the Board of Health, Fire Department, Building Commissioner and the SPGA.

2. The Chief of Police and the Town Administrator shall also be notified in writing, and confirmed email, by the Marijuana Establishment:
 1. A maximum of two (2) calendar days after any change in the management or key-holders of the Marijuana Establishment.
 2. A maximum of 12 hours following a violation, potential violation of any law, any criminal or potential criminal activities, or attempts of violation of any law at the Marijuana Establishment.
3. A Marijuana Establishment shall file an annual written report to, and appear before, the SPGA no later than January 31st of each calendar year, provide a copy of all current applicable state licenses for the facility and / or its owners and demonstrate continued compliance with the conditions of the Special Permit.
4. The owner or manager of a Marijuana Establishment is required to respond by phone or email within twenty-four hours of being contacted by a duly-authorized Town official concerning their Marijuana Establishment. Such contact will be made to the phone number or email address provided to the Town as the contact for the Marijuana Establishment.

7.5.4.5. Issuance / Transfer / Discontinuance of Use:

1. Special Permits / Site Plan Approvals shall be issued to the Marijuana Establishment owner / applicant.
2. Special Permits / Site Plan Approvals shall be issued for a specific type of Marijuana Establishment on a specific site / parcel.
3. Special Permits / Site Plan Approvals shall be non-transferable to another Marijuana Establishment owner or another site / parcel.
4. Special Permits / Site Plan Approvals shall have a term limited to the duration of the applicant's ownership / control of the premises as a Marijuana Establishment, and shall lapse / expire if:
 1. the Marijuana Establishment ceases to operate, and / or
 2. the Marijuana Establishment's registration / license by the Cannabis Control Commission expires or is terminated.
5. The Marijuana Establishment shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.
6. A Marijuana Establishment shall remove all material, plants, equipment and other paraphernalia prior to surrendering its state registration / license or ceasing its operation.
7. Prior to the issuance of a Building Permit for a Marijuana Establishment, the applicant / owner seeking the Marijuana Establishment Building Permit is required to post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the SPGA. The amount shall be sufficient to cover the costs of the Town managing the complete removal and disposal of all materials, plants, equipment and other paraphernalia if the applicant / owner fails to do so. The value of the bond shall be developed based on the applicant providing the SPGA with two (2) written bids to meet these requirements at prevailing wages. A factor of 1.5 shall be applied to the bond to ensure adequate funds for compliance. The Zoning Enforcement Officer shall give the applicant / owner 45 days written notice in advance

of taking such action. Should the applicant / owner remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Zoning Enforcement Officer prior to the expiration of the 45 days written notice, said bond shall be returned to the applicant.

7.5.5 Application Requirements for an Adult Use Marijuana Establishment:

7.5.5.1. Applications for Special Permits and Site Plan Approvals for Marijuana Establishments will be processed in the order filed with the Town.

7.5.5.2. In addition to the standard application requirements for Special Permits and Site Plan Reviews, additional requirements shall include the following, of which none of the site plan specifications detailed in this Section shall be waived by the SPGA:

1. The name and address of each owner and operator of the Marijuana Establishment facility / operation.
2. A copy of an approved and fully-executed Host Community Agreement.
3. A copy of its Provisional License from the Cannabis Control Commission pursuant to 935 CMR 500.
4. If the Marijuana Establishment will be operated in conjunction with an approved RMD, a copy of its registration as an RMD from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000 or from the Cannabis Control Commission in accordance with 935 CMR 500.
5. Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500.
6. Evidence that the applicant / owner has site control and right to use the site for a Marijuana Establishment facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement.
7. A notarized statement signed by the Marijuana Establishment's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant / owner must disclose the identity of all such responsible individual persons.
8. In addition to what is normally required in a Site Plan, details showing all exterior lighting, fencing, gates, and storage plans, including outdoor storage, shall be listed.
9. The applicant shall submit a letter from the Chief of Police stating his review and acceptance of the security measures for the safety of employees, patrons and merchandise.
10. A detailed floor plan identifying the areas available and functional uses (including square footage), including for retail sales.
11. All signage being proposed for the facility.
12. An impact study on pedestrian / vehicular traffic at peak demand times to include buses and the impact along the public right of ways. A specific contingency plan for opening day shall be submitted.
13. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site; the source of those odors; the locations from which they are emitted from the facility; the frequency of such odor-emitting activities; the duration of such odor-emitting activities; and the administration of odor control including maintenance

of such controls. The odor control plan for a Marijuana Cultivator, outdoors applicant will include plans to minimize, if not eliminate, odors from outdoor growth and cultivation.

14. A Management Plan including a description of all activities to occur on-site, including all provisions for the delivery of marijuana and related products to the Marijuana Establishment.
15. A Management Plan including a description of all activities to occur off-site, including all provisions for the delivery of marijuana and related products to other Marijuana Establishment(s).
16. A Traffic Control Plan to include Opening Day, Weekends and the first six months of operation is to be submitted and approved fourteen days before opening day by the Chief of Police. The cost of any and all police details are to be borne by the Marijuana Establishment.
17. Individual written plans which at a minimum comply with the requirements of 935 CMR 500, relative to the Marijuana Establishment's:
 1. Operating procedures
 2. Water usage
 3. Waste disposal
 4. Light pollution
 5. Transportation and delivery of marijuana or marijuana products
 6. Energy efficiency and conservation
 7. Security and alarms
18. Decommissioning of the Marijuana Establishment, including a cost estimate for the Town's cost to undertake the decommissioning of the site and appropriate disposal. See Section 7.5.4.5.7.

7.5.6 Independent Consultants: The SPGA shall engage such Independent Consultants (herein called "Independent Consultants"), as it shall reasonably deem necessary to assist in performing its duties hereunder. Independent Consultants shall each be qualified professionals with expertise in one or more of the following fields, including but not limited to: a) Adult Use Marijuana; b) water usage and / or water systems; c) land surveying; and, d) if determined necessary by the SPGA, other relevant fields of expertise. All expenses incurred by the SPGA for services of Independent Consultants in connection with an application hereunder shall be the responsibility of the Applicant. The SPGA shall require the applicant to pay such expenses as incurred, or shall require that an applicant deposit a sum of money, in an amount to be determined by the SPGA, to retain and utilize the services of such Independent Consultants. In the event that such sum is insufficient to fund the necessary consulting services, the SPGA shall require additional deposits. All expenses shall be paid prior to the issuance of a Special Permit. Failure of an applicant to pay a review fee shall be grounds for denial of the application.

Funds received by the SPGA pursuant to this bylaw shall be deposited with the Town Treasurer, who shall establish a special account for this purpose, consistent with the terms and provisions of G.L. c.44, §53G. Expenditures from this special account shall be made at the direction of the SPGA without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected. Accrued interest shall also be spent for this purpose. At the completion of the SPGA's review, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or applicant's successor in interest upon request. For the purpose of this

regulation, any person or entity claiming to be an applicant's successor in interest shall provide the SPGA with documentation establishing such succession in interest.

7.5.7 Decision and Findings for an Adult Use Marijuana Establishment: In addition to the required findings for a special permit required pursuant to Section 9.4, and those finding required for Site Plan Approval pursuant to Section 9.5, the Special Permit Granting Authority must also find all the following:

1. The Marijuana Establishment is consistent with and does not deviate from the purposes and intent of Section 7.5, meets the additional requirements / conditions of Section 7.5.4 and all other applicable Sections of the Zoning By-Laws;
2. The Marijuana Establishment is designed to minimize any adverse visual, sensory, or economic impacts on abutters and other parties in interest;
3. The Marijuana Establishment demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations;
4. The applicant / owner has satisfied all of the conditions and requirements of this Section and other applicable Sections of these Zoning By-Laws;
5. The Marijuana Establishment provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that all operations of the facility, including storage, cultivation, and delivery are adequately secured on-site or via delivery. A letter from the Chief of Police as referenced in Section 7.5.5.2.9 shall suffice.
6. The Marijuana Establishment adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses, as per Sections 7.5.5.2.12 and 7.5.5.2.16.

3. Add the following to 3.1.3, Table of Use Regulations, as 3.1.3.B.6. Industrial Hemp.

Principal Use	District				Notes
	R	VC	C	GB	
B. Exempt Uses					
6. Industrial Hemp	Y	Y	Y	Y	See Section 10 for definitions; By-Right (Y) use must conform to current MDAR Policy on Industrial Hemp. Requires 30 day prior written notice of commencement of operations to the Chief of Police and Town Administrator.

4. Add the following definitions to Section 10, Definitions:

Hemp: The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol or tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

Industrial Hemp: Hemp that is used exclusively for industrial purposes including, but not limited to, the fiber and seed.